

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS - DALLAS DIVISION**

CITY OF DALLAS,
Plaintiff,

v.

TRIPLE D GEAR, LLC,
Defendant.

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Case No. 3:23-cv-02367-K

DEFENDANT TRIPLE D GEAR, LLC'S DESIGNATION OF EXPERTS

TO THE HONORABLE JUDGE KINKEADE:

Defendant Triple D Gear, LLC herein designates its experts expected to testify at trial of the instant matter and provides the disclosures required by Rule 26(a)(2).

Respectfully submitted,

/s/ Warren V. Norred

Warren V. Norred, wnorred@norredlaw.com
NORRED LAW, PLLC; 515 E. Border Street
Arlington, TX 76010
O: 817-704-3984 / F: 817-524-6686
Attorney for Defendant Triple D Gear, LLC

CERTIFICATE OF SERVICE

I certify that on the September 3, 2024, I electronically filed the preceding with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Megan M. O'Laughlin (TX24013263), molaughlin@hitchcockevert.com
Anne M. Turner (TX24085626), aturner@hitchcockevert.com
HITCHCOCK EVERT LLP;
750 N. Saint Paul Street, Suite 1110; Dallas, TX 75201
Telephone: (214) 953-1111; Facsimile: (214) 953-1121
Counsel for Plaintiff City of Dallas

/s/ Warren Norred
Warren Norred

1. Warren Norred, Attorney (Attorney Fees, Email Records)

515 East Border, Arlington, Texas 76010; 817-704-3984

(i) a complete statement of all opinions the witness will express and the basis and reasons for them;

Norred will testify that \$375-450/hour to try this case is necessary and reasonable, and the reasonable fees to prosecute this case will exceed \$200,000, based on the fees incurred thus far, including trial preparation of \$10k to \$20k, and an assumed \$5k/day for trial. Norred will also evaluate and rebut any attorney fees sought by opposing parties. Norred may testify about electronic documents, meta data and geolocation regarding their origin.

(ii) the facts or data considered by the witness in forming them;

Norred will consider time/task listings of the parties as they are developed and previous examination of federal cases involving intellectual property matters.

Emails and other electronic documents will be provided, if any, along with any metadata, before trial.

(iii) any exhibits that will be used to summarize or support them;

Norred will supplement this report with his time and task records, as well as his predecessors, as an exhibits. Additionally, any emails evaluated will be included.

(iv) the witness's qualifications, including a list of all publications authored in the previous 10 years;

Warren V. Norred is an attorney with more than 15 years of experience in bankruptcy, intellectual property and litigation, including but not limited to landlord/tenant relations, foreclosures, trademark, patents, franchise issues, and general contract matters. Mr. Norred earned his Bachelor in Electrical Engineering in 1990 and Master of Science in Electrical Engineering in 1993 from the University of Texas at Arlington. He became a licensed Professional Engineer in 1996. Norred ran an engineering firm until 2010 which represented global manufacturers in Texas, Oklahoma, Arkansas and Louisiana. Mr. Norred earned his law degree in 2007 from Texas Wesleyan School of Law, now known as Texas A&M University School of Law, where he wrote for the Texas Wesleyan Law Review.

Mr. Norred is a member of the State Bar of Texas and local bars from time to time. He is licensed to practice before all federal courts in Texas, the United States Patent and Trademark Office, the Fifth Circuit, the Ninth Circuit, and the Federal Circuit Courts of Appeal. Bibliography: Texas Wesleyan Law Review, "Removing Mud in the Clean Water Act: The Ninth Amendment as a Limiting Factor in Chevron Analysis," 14 Tex. Wesleyan L. Rev. 51.

In addition to the above, Norred has been practicing in the Texas and federal judicial system, with substantial experience in civil litigation and successful appearances in suits before various other federal district courts, including the Central District of California, the Federal Circuit Court of Appeals, and the Trademark Trial and Review Board.

(v) a list of all other cases in which, during the previous 4 years, the witness testified as an expert at trial or by deposition; and

Norred has provided testimony in innumerable cases in the last four years, including most recently, *Davenport v. Davenport*, 296-52569-2022, 296th District Court in Collin County, Texas; *Fisher v. Plaza*, 79349B, 181st District Court in Randall County, Texas; *Friedheim v. Hoeber*, 4:20-cv-335, Northern District of Texas; *Dierolf v. Rummel*, 21-7845-431, 431st District Court in Texas; *Parker v. Call*, 348-344939-23, 348th District Court, Texas; Chadwick v. Gilbert, 41,015-P, Smith County, Texas, among others.

(vi) a statement of compensation to be paid for the study and testimony in the case.

Norred is being paid his hourly rate of \$450/hour, Norred will testify that these are reasonable and necessary attorney fees, litigation expenses, and costs incurred by the Plaintiff in this lawsuit and in rebuttal to any expert designated within his field of expertise. Mr. Norred's mental impressions and opinions are based on his experience practicing law in the DFW area, and his knowledge of rates customarily charged by attorneys for similar services, as well as his knowledge of attorneys' fees charged to plaintiffs in this case. As well as rebuttal testimony to any experts offered by Defendants to prove up attorney's fees that Defendants may seek at trial.

2. Ken Emanuelson, Attorney (Trademark and Copyright Issues)

17304 Preston Road, Suite 800, Dallas, Texas; 214-390-4800

(i) a complete statement of all opinions the witness will express and the basis and reasons for them;

Emanuelson will testify regarding the details of the trademark prosecution process and the aspects of a successful application, describing the common types of objections raised during the trademark application process, what evidence is required to overcome objections and what duties an applicant has, and further describe what constitutes fraud on the USPTO.

(ii) the facts or data considered by the witness in forming them;

Emanuelson will consider the applications of the parties and the specimens provided, and other evidence available.

(iii) any exhibits that will be used to summarize or support them;

Emanuelson will consider specimens associated with the parties' trademark applications, and other evidence that has been presented in disclosures.

(iv) the witness's qualifications, including a list of all publications authored in the previous 10 years;

Emanuelson publishes information and articles relating to intellectual property, including trademark and copyright issues, on his firm website at EmanuelsonFirm.com

(v) a list of all other cases in which, during the previous 4 years, the witness testified as an expert at trial or by deposition; and

Emanuelson has not testified as an expert witness in the past four years.

(vi) a statement of compensation to be paid for the study and testimony in the case.

Emanuelson is being paid at his standard billing rate of \$400/hour.

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